

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
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DATE FILED: 8/5/19

JON R. MORGAN, *individually and on
behalf of all other persons similarly situated,*

Plaintiffs,

v.

LIVING PROOF, INC.,

Defendant.

19-CV-7215 (RA)

ORDER AND NOTICE OF
INITIAL CONFERENCE

RONNIE ABRAMS, United States District Judge:

This case has been assigned to me for all purposes. It is hereby:

ORDERED that counsel for all parties are directed to appear before the undersigned for an Initial Pretrial Conference (“IPTC”) in accordance with Rule 16 of the Federal Rules of Civil Procedure on December 6, 2019 at 11:30 a.m. in Courtroom 1506 of the U.S. District Court for the Southern District of New York, 40 Foley Square, New York, New York.

IT IS FURTHER ORDERED that, within thirty days of service of the summons and complaint, the parties must meet and confer for at least one hour in a good-faith attempt to settle this action. To the extent the parties are unable to settle the case themselves, they must also discuss whether further settlement discussions through the district’s court-annexed mediation program or before a magistrate judge would be helpful and advise the court if it would be.

Should the parties indicate that a referral would be beneficial, the Court will ordinarily refer the case immediately to either the mediation program or a magistrate judge (consistent with the parties’ stated preference) and adjourn the IPTC for sixty days or until the parties notify the Court that settlement efforts have failed, whichever is earlier.

IT IS FURTHER ORDERED that, no later than one week prior to the IPTC, the parties shall submit a joint letter, not to exceed five (5) pages, providing the following information in separate paragraphs:

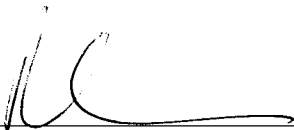
1. A brief description of the nature of the action and the principal defenses thereto;
2. A brief explanation of why jurisdiction and venue lie in this Court;
3. A brief description of all contemplated and/or outstanding motions;
4. The prospect for settlement (without disclosing the parties' offers or settlement positions), including:
 - i. A confirmation that the parties have met and conferred, consistent with this Order, and
 - ii. Whether the parties request an immediate referral to either the court-annexed mediation program or the case's assigned magistrate judge.
5. A brief description of any discovery that has already taken place, and/or that which will be necessary for the parties to engage in meaningful settlement negotiations;
6. The estimated length of trial; and
7. Any other information that the parties believe may assist the Court in advancing the case to settlement or trial, including, but not limited to, a description of any dispositive issue or novel issue raised by the case.

IT IS FURTHER ORDERED that, also no later than one week prior to the IPTC, the parties jointly submit to the Court a proposed case management plan and scheduling order. A template for the order is available at <http://nysd.uscourts.gov/judge/Abrams>. The status letter and the proposed case management plan should be filed electronically on ECF, consistent with the Court's Electronic Case Filing (ECF) Rules & Instructions, which were updated on August 1, 2018, and are available at nysd.uscourts.gov/ecf/ECF%20Rules%20080118%20Final.pdf. Please consult my Individual Rules and Practices with respect to communications with Chambers and

related matters.

SO ORDERED.

Dated: August 5, 2019
New York, New York



Ronnie Abrams
United States District Judge